
By: **The Minority Leader (By Request - Administration) and Delegates
O'Donnell, Cadden, Redmer, Amedori, Aumann, Bartlett, Bates,
Boschert, Boteler, Boutin, Branch, Cryor, DeBoy, Dwyer, Eckardt,
Edwards, Elliott, Elmore, Frank, Fulton, Glassman, Hogan, Hutchins,
Impallaria, Jennings, Kach, Kelly, Krebs, Leopold, Love, McComas,
McConkey, McDonough, McMillan, Mitchell, Myers, Parrott,
Rzepkowski, Schisler, Shank, Smigiel, Sossi, Stocksdale, Trueschler,
Walkup, and Weldon**

Introduced and read first time: February 7, 2003
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Firearms - Project Exile**

3 FOR the purpose of prohibiting a District Court commissioner from authorizing the
4 pretrial release of a defendant charged with certain crimes; requiring a judge to
5 consider as a rebuttable presumption that a defendant charged with certain
6 crimes will flee and pose a danger to another person or the community;
7 prohibiting a certain panel of judges, when reviewing a sentence, from
8 decreasing a mandatory minimum sentence imposed for crimes involving
9 firearms under certain circumstances; making it a felony to possess and intend
10 to use a firearm, display a firearm in a threatening manner, or use or attempt to
11 use a firearm on school property; making it a felony to use a firearm in the
12 commission of certain crimes; repealing a prohibition relating to firearms and
13 persons with certain convictions for controlled dangerous substances offenses;
14 expanding certain prohibitions to apply to all firearms; expanding the type of
15 crimes to which certain prohibitions relating to firearms apply; adding and
16 altering certain penalties, including mandatory minimum penalties;
17 establishing and altering certain requirements and procedures relating to
18 certain sentences; adding a certain exception; adding and altering certain
19 definitions; and generally relating to firearms crimes.

20 BY repealing and reenacting, with amendments,
21 Article - Criminal Procedure
22 Section 5-202(c), 8-105, and 8-107(c)
23 Annotated Code of Maryland
24 (2001 Volume and 2002 Supplement)

25 BY repealing and reenacting, with amendments,
26 Article - Criminal Law

1 Section 4-102, 4-201, 4-204, 4-306(b), and 5-621(c)
2 Annotated Code of Maryland
3 (2002 Volume)

4 BY repealing and reenacting, without amendments,
5 Article - Criminal Law
6 Section 5-621(a) and (b)
7 Annotated Code of Maryland
8 (2002 Volume)

9 BY repealing
10 Article - Criminal Law
11 Section 5-622
12 Annotated Code of Maryland
13 (2002 Volume)

14 BY repealing and reenacting, with amendments,
15 Article - Public Safety
16 Section 5-101(c) and (g), 5-133(c) and (d)
17 Annotated Code of Maryland
18 (As enacted by Chapter _____ (S.B. 1) of the Acts of the General Assembly of
19 2003)

20 BY adding to
21 Article - Public Safety
22 Section 5-133(d)
23 Annotated Code of Maryland
24 (As enacted by Chapter _____ (S.B. 1) of the Acts of the General Assembly of
25 2003)

26 BY repealing and reenacting, without amendments,
27 Article - Public Safety
28 Section 5-101(h), 5-133(b), and 5-143
29 Annotated Code of Maryland
30 (As enacted by Chapter _____ (S.B. 1) of the Acts of the General Assembly of
31 2003)

32 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
33 MARYLAND, That the Laws of Maryland read as follows:

1

Article - Criminal Procedure

2 5-202.

3 (c) (1) A District Court commissioner may not authorize the pretrial release
4 of a defendant charged with a crime of violence if the defendant has been previously
5 convicted:

6 (i) in this State of a crime of violence; or

7 (ii) in any other jurisdiction of a crime that would be a crime of
8 violence if committed in this State.

9 (2) A DISTRICT COURT COMMISSIONER MAY NOT AUTHORIZE THE
10 PRETRIAL RELEASE OF A DEFENDANT CHARGED WITH VIOLATING:

11 (I) § 4-102 OF THE CRIMINAL LAW ARTICLE IF THE OFFENSE
12 INVOLVES A FIREARM;

13 (II) § 4-204, § 4-306(B), OR § 5-621 OF THE CRIMINAL LAW ARTICLE;

14 (III) § 5-133(B), (C), OR (D) OF THE PUBLIC SAFETY ARTICLE.

15 [(2)] (3) (i) A judge may authorize the pretrial release of a defendant
16 described in [paragraph (1)] PARAGRAPH (1) OR (2) of this subsection on:

17 1. suitable bail;

18 2. any other conditions that will reasonably ensure that the
19 defendant will not flee or pose a danger to another person or the community; or

20 3. both bail and other conditions described under item 2 of
21 this subparagraph.

22 (ii) When a defendant described in [paragraph (1)] PARAGRAPH (1)
23 OR (2) of this subsection is presented to the court under Maryland Rule 4-216(g), the
24 judge shall order the continued detention of the defendant if the judge determines
25 that neither suitable bail nor any condition or combination of conditions will
26 reasonably ensure that the defendant will not flee or pose a danger to another person
27 or the community before the trial.

28 [(3)] (4) There is a rebuttable presumption that a defendant described in
29 [paragraph (1)] PARAGRAPH (1) OR (2) of this subsection will flee and pose a danger to
30 another person or the community.

31 8-105.

32 (a) A review panel consists of three or more circuit court judges of the judicial
33 circuit in which the sentencing court is located.

1 (b) Notwithstanding any Maryland Rule, the sentencing judge may not be a
2 member of the review panel, but on request of the sentencing judge, the sentencing
3 judge may sit with the review panel only in an advisory capacity.

4 (c) (1) A review panel shall consider each application for review of a
5 sentence.

6 (2) A review panel may require the Division of Parole and Probation to
7 make investigations, reports, and recommendations.

8 (3) A review panel:

9 (i) with or without a hearing, may decide that the sentence under
10 review should remain unchanged; or

11 (ii) after a hearing, may order a different sentence to be imposed or
12 served, including:

13 1. an increased sentence;

14 2. EXCEPT AS PROVIDED IN PARAGRAPH (5) OF THIS
15 SUBSECTION AND subject to § 8-107(c) of this subtitle, a decreased sentence;

16 3. a suspended sentence to be served wholly or partly; or

17 4. a sentence to be suspended with or without probation.

18 (4) In deciding to order a different sentence, the review panel may
19 impose conditions that the review panel considers just and that could have been
20 imposed lawfully by the sentencing court when the sentence was imposed.

21 (5) A REVIEW PANEL MAY NOT DECREASE A SENTENCE TO LESS THAN
22 THE MANDATORY MINIMUM SENTENCE REQUIRED TO BE IMPOSED UNDER THE
23 FOLLOWING SECTIONS:

24 (I) § 4-102 OF THE CRIMINAL LAW ARTICLE IF THE OFFENSE
25 INVOLVES A FIREARM;

26 (II) § 4-204, § 4-306(B), OR § 5-621 OF THE CRIMINAL LAW ARTICLE;
27 OR

28 (III) § 5-133(B), (C), OR (D) OF THE PUBLIC SAFETY ARTICLE.

29 (d) If the review panel orders a different sentence, the review panel shall
30 resentence and notify the defendant in accordance with the order of the panel.

31 8-107.

32 (c) (1) THIS SUBSECTION DOES NOT APPLY TO A MANDATORY MINIMUM
33 SENTENCE THAT MAY NOT BE DECREASED UNDER § 8-105(B)(5) OF THIS SUBTITLE.

1 (2) A review panel may not order a decrease in a mandatory minimum
2 sentence unless the decision of the review panel is unanimous.

3 **Article - Criminal Law**

4 4-102.

5 (a) This section does not apply to:

6 (1) a law enforcement officer in the regular course of the officer's duty;

7 (2) a person hired by a county board of education specifically for the
8 purpose of guarding public school property;

9 (3) a person engaged in organized shooting activity for educational
10 purposes; [or]

11 (4) a person who, with a written invitation from the school principal,
12 displays or engages in a historical demonstration using a weapon or a replica of a
13 weapon for educational purposes; OR

14 (5) A PERSON AUTHORIZED BY LAW TO POSSESS OR CARRY A WEAPON.

15 (b) [A] ON PUBLIC SCHOOL PROPERTY, A person may not:

16 (1) carry or possess a firearm, knife, or deadly weapon of any kind [on
17 public school property]; OR

18 (2) POSSESS WITH INTENT TO USE A FIREARM, DISPLAY A FIREARM IN A
19 THREATENING MANNER, OR USE OR ATTEMPT TO USE A FIREARM.

20 (c) (1) Except as provided in paragraph (2) of this subsection, a person who
21 violates SUBSECTION (B)(1) OF this section is guilty of a misdemeanor and on
22 conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding
23 \$1,000 or both.

24 (2) A person who is convicted of carrying or possessing a handgun in
25 violation of SUBSECTION (B)(1) OF this section shall be sentenced under Subtitle 2 of
26 this title.

27 (3) A PERSON WHO VIOLATES SUBSECTION (B)(2) OF THIS SECTION IS
28 GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT
29 LESS THAN 5 YEARS AND NOT MORE THAN 20 YEARS.

30 (4) NOTWITHSTANDING § 14-102 OF THE CRIMINAL LAW ARTICLE, THE
31 COURT MAY NOT IMPOSE LESS THAN THE MANDATORY MINIMUM SENTENCE OF 5
32 YEARS.

33 (5) THE COURT MAY NOT SUSPEND ANY PART OF THE MANDATORY
34 MINIMUM SENTENCE OF 5 YEARS.

1 (6) EXCEPT AS PROVIDED IN § 4-305 OF THE CORRECTIONAL SERVICES
2 ARTICLE, A PERSON SENTENCED UNDER THIS SUBSECTION MAY NOT BE ELIGIBLE
3 FOR PAROLE IN LESS THAN 5 YEARS.

4 4-201.

5 (a) In this subtitle the following words have the meanings indicated.

6 (b) "Antique firearm" means:

7 (1) a firearm, including a firearm with a matchlock, flintlock, percussion
8 cap, or similar ignition system, manufactured before 1899; or

9 (2) a replica of a firearm described in item (1) of this subsection that:

10 (i) is not designed or redesigned to use rimfire or conventional
11 centerfire fixed ammunition; or

12 (ii) uses rimfire or conventional centerfire fixed ammunition that is
13 no longer manufactured in the United States and is not readily available in the
14 ordinary channels of commercial trade.

15 (C) "FIREARM" MEANS AN ANTIQUE FIREARM, HANDGUN, MACHINE GUN,
16 RIFLE, SHORT-BARRELED RIFLE, SHORT-BARRELED SHOTGUN, OR SHOTGUN.

17 [(c)] (D) (1) "Handgun" means a pistol, revolver, or other firearm capable of
18 being concealed on the person.

19 (2) "Handgun" includes a short-barreled shotgun and a short-barreled
20 rifle.

21 (3) "Handgun" does not include a shotgun, rifle, or antique firearm.

22 [(d)] (E) "Law enforcement official" means:

23 (1) a full-time member of a police force or other unit of the United
24 States, a state, a county, a municipal corporation, or other political subdivision of a
25 state who is responsible for the prevention and detection of crime and the
26 enforcement of the laws of the United States, a state, a county, a municipal
27 corporation, or other political subdivision of a state;

28 (2) a part-time member of a police force of a county or municipal
29 corporation who is certified by the county or municipal corporation as being trained
30 and qualified in the use of handguns; or

31 (3) a fire investigator of the Prince George's County Fire Department
32 who:

33 (i) is certified by Prince George's County as being trained and
34 qualified in the use of handguns; and

1 (ii) has met the minimum qualifications and has satisfactorily
2 completed the training required by the Maryland Police Training Commission.

3 [(e)] (F) "Rifle" means a weapon that is:

4 (1) designed or redesigned, made or remade, and intended to be fired
5 from the shoulder; and

6 (2) designed or redesigned, and made or remade to use the energy of the
7 explosive in a fixed metallic cartridge to fire only a single projectile through a rifled
8 bore for each single pull of the trigger.

9 [(f)] (G) "Short-barreled rifle" means:

10 (1) a rifle that has one or more barrels less than 16 inches long; or

11 (2) a weapon that has an overall length of less than 26 inches and that
12 was made from a rifle, whether by alteration, modification, or otherwise.

13 [(g)] (H) "Short-barreled shotgun" means:

14 (1) a shotgun that has one or more barrels less than 18 inches long; or

15 (2) a weapon that has an overall length of less than 26 inches long and
16 was made from a shotgun, whether by alteration, modification, or otherwise.

17 [(h)] (I) "Shotgun" means a weapon that is:

18 (1) designed or redesigned, made or remade, and intended to be fired
19 from the shoulder; and

20 (2) designed or redesigned and made or remade to use the energy of the
21 explosive in a fixed shotgun shell to fire through a smooth bore one or more projectiles
22 for each pull of the trigger.

23 [(i)] (J) "Vehicle" means a motor vehicle as defined in Title 11, Subtitle 1 of
24 the Transportation Article, a train, an aircraft, or a vessel.

25 4-204.

26 (a) A person may not use [an antique] A firearm [capable of being concealed
27 on the person or any handgun] in the commission of a crime of violence, as defined in
28 Article 27, § 441 of the Code, or any felony, whether the [antique] firearm [or
29 handgun] is operable or inoperable at the time of the crime.

30 (b) (1) (i) A person who violates this section is guilty of a [misdemeanor]
31 FELONY and, in addition to any other penalty imposed for the crime of violence or
32 felony, shall be sentenced to imprisonment for not less than 5 years and not exceeding
33 20 years.

1 (ii) The court may not impose less than the minimum sentence of 5
2 years [and, except].

3 (III) NOTWITHSTANDING § 14-102 OF THE CRIMINAL LAW ARTICLE,
4 THE MANDATORY MINIMUM SENTENCE OF 5 YEARS MAY NOT BE SUSPENDED.

5 (IV) EXCEPT as otherwise provided in § 4-305 of the Correctional
6 Services Article, the person is not eligible for parole in less than 5 years.

7 (2) For each subsequent violation, the sentence shall be consecutive to
8 and not concurrent with any other sentence imposed for the crime of violence or
9 felony.

10 4-306.

11 (b) (1) A person who uses an assault pistol, or a magazine that has a
12 capacity of more than 20 rounds of ammunition, in the commission of a felony or a
13 crime of violence as defined in Article 27, § 441 of the Code is guilty of a
14 [misdemeanor] FELONY and on conviction, in addition to any other sentence imposed
15 for the felony or crime of violence, shall be sentenced under this subsection.

16 (2) (i) For a first violation, the person shall be sentenced to
17 imprisonment for not less than 5 years and not exceeding 20 years.

18 (ii) The court may not impose less than the minimum sentence of 5
19 years.

20 (iii) [The] NOTWITHSTANDING § 14-102 OF THE CRIMINAL LAW
21 ARTICLE, THE mandatory minimum sentence of 5 years may not be suspended.

22 (iv) Except as otherwise provided in § 4-305 of the Correctional
23 Services Article, the person is not eligible for parole in less than 5 years.

24 (3) (i) For each subsequent violation, the person shall be sentenced to
25 imprisonment for not less than 10 years and not exceeding 20 years.

26 (ii) The court may not impose less than the minimum sentence of
27 10 years.

28 (III) NOTWITHSTANDING § 14-102 OF THE CRIMINAL LAW ARTICLE,
29 THE MANDATORY MINIMUM SENTENCE OF 10 YEARS MAY NOT BE SUSPENDED.

30 (IV) EXCEPT AS OTHERWISE PROVIDED IN § 4-305 OF THE
31 CORRECTIONAL SERVICES ARTICLE, THE PERSON IS NOT ELIGIBLE FOR PAROLE IN
32 LESS THAN 10 YEARS.

33 [(iii)] (V) A sentence imposed under this paragraph shall be
34 consecutive to and not concurrent with any other sentence imposed for the felony or
35 crime of violence.

1 5-621.

2 (a) (1) In this section the following words have the meanings indicated.

3 (2) "Drug trafficking crime" means a felony or a conspiracy to commit a
4 felony involving the possession, distribution, manufacture, or importation of a
5 controlled dangerous substance under §§ 5-602 through 5-609 and 5-614 of this
6 article.

7 (3) "Forfeiting authority" means the office or person designated by
8 agreement between the State's Attorney for a county and the chief executive officer of
9 the governing body that has jurisdiction over the assets subject to forfeiture.

10 (b) During and in relation to a drug trafficking crime, a person may not:

11 (1) possess a firearm under sufficient circumstances to constitute a
12 nexus to the drug trafficking crime; or

13 (2) use, wear, carry, or transport a firearm.

14 (c) (1) In addition to the sentence provided for the drug trafficking crime, a
15 person who violates subsection (b) of this section is guilty of a felony and on conviction
16 is subject to:

17 (i) for a first violation, imprisonment for not less than 5 years and
18 not exceeding 20 years; or

19 (ii) for each subsequent violation, imprisonment for not less than
20 10 years and not exceeding 20 years.

21 (2) (i) The court shall impose a minimum sentence of 5 years under
22 paragraph (1)(i) of this subsection.

23 (ii) The court shall impose a minimum sentence of 10 years under
24 paragraph (1)(ii) of this subsection.

25 (3) (i) [A] NOTWITHSTANDING § 14-102 OF THE CRIMINAL LAW
26 ARTICLE, A court may not suspend any part of a mandatory minimum sentence.

27 (ii) Except as provided in § 4-305 of the Correctional Services
28 Article, a person sentenced under this subsection is not eligible for parole IN LESS
29 THAN THE MINIMUM SENTENCE REQUIRED TO BE IMPOSED.

30 (iii) A sentence imposed under paragraph (1)(ii) of this subsection
31 shall be consecutive to and not concurrent with any other sentence imposed by virtue
32 of the commission of the drug trafficking crime.

33 [5-622.

34 (a) In this section, "firearm" includes:

1 (1) a handgun, antique firearm, rifle, shotgun, short-barreled shotgun,
2 and short-barreled rifle, as those words are defined in § 4-201 of this article;

3 (2) a machine gun, as defined in § 4-401 of this article; and

4 (3) a regulated firearm, as defined in Article 27, § 441 of the Code.

5 (b) A person may not possess, own, carry, or transport a firearm if that person
6 has been convicted of:

7 (1) a felony under this title;

8 (2) a crime under the laws of another state or of the United States that
9 would be a felony under this title if committed in this State;

10 (3) conspiracy to commit a crime referred to in paragraphs (1) and (2) of
11 this subsection; or

12 (4) an attempt to commit a crime referred to in paragraphs (1) and (2) of
13 this subsection.

14 (c) A person who violates this section is guilty of a felony and on conviction is
15 subject to imprisonment not exceeding 5 years or a fine not exceeding \$10,000 or
16 both.]

17 **Article - Public Safety**

18 5-101.

19 (c) "Crime of violence" means:

20 (1) abduction;

21 (2) arson in the first degree;

22 (3) assault in the first or second degree;

23 (4) burglary in the first, second, or third degree;

24 (5) carjacking and armed carjacking;

25 (6) escape in the first degree;

26 (7) kidnapping;

27 (8) voluntary manslaughter;

28 (9) maiming as previously proscribed under former Article 27, § 386 of
29 the Code;

1 (10) mayhem as previously proscribed under former Article 27, § 384 of
2 the Code.

3 (11) murder in the first or second degree;

4 (12) rape in the first or second degree;

5 (13) robbery;

6 (14) robbery with a dangerous weapon;

7 (15) sexual offense in the first, second, or third degree;

8 (16) an attempt OR CONSPIRACY to commit any of the crimes listed in
9 items (1) through (15) of this subsection; or

10 (17) assault with intent to commit any of the crimes listed in items (1)
11 through (15) of this subsection or a crime punishable by imprisonment for more than
12 1 year.

13 (g) "Disqualifying crime" means:

14 (1) a crime of violence;

15 (2) a violation classified as a felony in the State, OR AN ATTEMPT OR
16 CONSPIRACY TO COMMIT A FELONY; or

17 (3) a violation classified as a misdemeanor in the State that carries a
18 statutory penalty of more than 2 years, OR AN ATTEMPT OR CONSPIRACY TO COMMIT
19 A MISDEMEANOR THAT CARRIES A STATUTORY PENALTY OF MORE THAN 2 YEARS.

20 (h) (1) "Firearm" means:

21 (i) a weapon that expels, is designed to expel, or may readily be
22 converted to expel a projectile by the action of an explosive; or

23 (ii) the frame or receiver of such a weapon.

24 (2) "Firearm" includes a starter gun.

25 5-133.

26 (b) A person may not possess a regulated firearm if the person:

27 (1) has been convicted of a disqualifying crime;

28 (2) has been convicted of a violation classified as a common law crime
29 and received a term of imprisonment of more than 2 years;

30 (3) is a fugitive from justice;

1 (4) is a habitual drunkard;

2 (5) is addicted to a controlled dangerous substance or is a habitual user;

3 (6) suffers from a mental disorder as defined in § 10-101(f)(2) of the
4 Health - General Article and has a history of violent behavior against the person or
5 another, unless the person has a physician's certificate that the person is capable of
6 possessing a regulated firearm without undue danger to the person or to another;

7 (7) has been confined for more than 30 consecutive days to a facility as
8 defined in § 10-101 of the Health - General Article, unless the person has a
9 physician's certificate that the person is capable of possessing a regulated firearm
10 without undue danger to the person or to another;

11 (8) is a respondent against whom a current non ex parte civil protective
12 order has been entered under § 4-506 of the Family Law Article; or

13 (9) if under the age of 30 years at the time of possession, has been
14 adjudicated delinquent by a juvenile court for an act that would be a disqualifying
15 crime if committed by an adult.

16 (c) (1) IN THIS SUBSECTION, "CRIME OF VIOLENCE" DOES NOT INCLUDE
17 ASSAULT IN THE SECOND DEGREE IF THE DEFENDANT RECEIVED A TERM OF
18 IMPRISONMENT OF 2 YEARS OR LESS, NOT INCLUDING ANY SUSPENDED PORTION OF
19 THE SENTENCE.

20 (2) A person may not possess a [regulated] firearm if the person was
21 previously convicted of:

22 (i) a crime of violence;

23 (ii) a violation of § 5-602, § 5-603, § 5-604, § 5-605, § 5-606, §
24 5-607, § 5-608, § 5-609, § 5-612, § 5-613, or § 5-614 of the Criminal Law Article OR
25 AN ATTEMPT OR CONSPIRACY TO COMMIT A CRIME DESCRIBED IN THIS ITEM; [or]

26 (iii) any other violation classified as a felony in the State; OR

27 (IV) A CRIME UNDER THE LAWS OF ANOTHER STATE OR OF THE
28 UNITED STATES THAT WOULD BE A CRIME UNDER ITEM (I) OR ITEM (II) OF THIS
29 PARAGRAPH IF COMMITTED IN THIS STATE.

30 [(2)] (3) (I) A person who violates this subsection is guilty of a felony
31 and on conviction is subject to imprisonment for not less than 5 years[, no part of
32 which may be suspended] AND NOT MORE THAN 20 YEARS.

33 (II) NOTWITHSTANDING § 14-102 OF THE CRIMINAL LAW ARTICLE,
34 THE COURT MAY NOT IMPOSE LESS THAN THE MANDATORY MINIMUM SENTENCE OF
35 5 YEARS.

1 (III) THE COURT MAY NOT SUSPEND ANY PART OF THE MANDATORY
2 MINIMUM SENTENCE OF 5 YEARS.

3 [(3)] (IV) A person sentenced under [paragraph (1) of] this subsection
4 may not be eligible for parole IN LESS THAN 5 YEARS.

5 [(4)] (V) Each violation of this subsection is a separate crime.

6 (D) (1) SUBJECT TO SUBSECTION (C) OF THIS SECTION, A PERSON MAY NOT
7 POSSESS A FIREARM IF THE PERSON WAS PREVIOUSLY CONVICTED OF A FELONY, OR
8 AN ATTEMPT OR CONSPIRACY TO COMMIT A FELONY.

9 (2) A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A FELONY
10 AND ON CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT LESS THAN 2 YEARS
11 AND NOT MORE THAN 10 YEARS.

12 (3) NOTWITHSTANDING § 14-102 OF THE CRIMINAL LAW ARTICLE, THE
13 COURT MAY NOT IMPOSE LESS THAN THE MANDATORY MINIMUM SENTENCE OF 2
14 YEARS.

15 (4) THE COURT MAY NOT SUSPEND ANY PART OF THE MANDATORY
16 MINIMUM SENTENCE OF 2 YEARS.

17 (5) A PERSON SENTENCED UNDER THIS SUBSECTION MAY NOT BE
18 ELIGIBLE FOR PAROLE IN LESS THAN 2 YEARS.

19 (6) EACH VIOLATION OF THIS SUBSECTION IS A SEPARATE CRIME.

20 [(d)] (E) (1) Except as provided in paragraph (2) of this subsection, a person
21 who is under the age of 21 years may not possess a regulated firearm or ammunition
22 solely designed for a regulated firearm.

23 (2) Unless a person is otherwise prohibited from possessing a regulated
24 firearm, this subsection does not apply to:

25 (i) the temporary transfer or possession of a regulated firearm or
26 ammunition solely designed for a regulated firearm if the person is:

27 1. under the supervision of another who is at least 21 years
28 old and who is not prohibited by State or federal law from possessing a firearm; and

29 2. acting with the permission of the parent or legal guardian
30 of the transferee or person in possession;

31 (ii) the transfer by inheritance of title, and not of possession, of a
32 regulated firearm;

33 (iii) a member of the armed forces of the United States or the
34 National Guard while performing official duties;

1 (iv) the temporary transfer or possession of a regulated firearm or
2 ammunition solely designed for a regulated firearm if the person is:

3 1. participating in marksmanship training of a recognized
4 organization; and

5 2. under the supervision of a qualified instructor;

6 (v) a person who is required to possess a regulated firearm for
7 employment and who holds a permit under Subtitle 3 of this title; or

8 (vi) the possession of a firearm or ammunition for self-defense or
9 the defense of others against a trespasser into the residence of the person in
10 possession or into a residence in which the person in possession is an invited guest.

11 5-143.

12 (a) Except as otherwise provided in this subtitle, a dealer or other person may
13 not knowingly participate in the illegal sale, rental, transfer, purchase, possession, or
14 receipt of a regulated firearm in violation of this subtitle.

15 (b) A person who violates this section is guilty of a misdemeanor and on
16 conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding
17 \$10,000 or both.

18 (c) Each violation of this section is a separate crime.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
20 effect October 1, 2003.